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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 DAVID LYNN HARRISON, }  
8 Plaintiff, }  
9 v. }  
10 NEVADA DEPT OF CORRECTIONS et al., }  
11 Defendants. }  
12 \_\_\_\_\_ }

2:16-cv-01371-JAD-NJK  
**ORDER**

13 **I. DISCUSSION**

14 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections  
15 ("NDOC"), has submitted a petition for maturity claim/counterclaim and maturity of  
16 counterclaim. (ECF No. 1-1, 1-2). Plaintiff has not submitted a civil rights complaint pursuant  
17 to 42 U.S.C. § 1983 and has not paid the full filing fee for this matter or filed an application to  
18 proceed *in forma pauperis*.

19 Pursuant to Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing  
20 a complaint with the court." Fed. R. Civ. P. 3. The Court grants Plaintiff thirty (30) days from  
21 the date of this order to submit a complaint to this Court.

22 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
23 application to proceed *in forma pauperis* and attach both an inmate account statement for the  
24 past six months and a properly executed financial certificate. Plaintiff will be granted an  
25 opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full  
26 filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis*  
27 he must file a fully complete application to proceed *in forma pauperis*.

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## II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

10 IT IS FURTHER ORDERED that Plaintiff shall submit a complaint to this Court within  
11 **thirty (30) days** from the date of this order.

12 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the  
13 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk  
14 of the Court shall also send Plaintiff a copy of his petition for maturity claim/counterclaim and  
15 maturity of counterclaim (ECF No. 1-1, 1-2).

16 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
17 dismissal of this action may result.

19 DATED: This 20th day of June, 2016.

**United States Magistrate Judge**